

description of "z" as being the value to balance the oxidation state of the compound is not sufficient to support it being placed after the "O" in the formula. Examiner continues with "z" could have been placed after either "Ca" or "Mg" in the formula and be defined as "the value to balance the oxidation state of the compound." The placement of "z" at any place in the formula will be deemed new matter."

Applicant's amendment is supported in the original Specification on page 4, lines 7-9. Although there was a typographical error in the empirical formula for $\text{Ca}_x\text{Mg}_y\text{SiO}_z$ as originally filed, one of ordinary skill in the art would realize from the disclosure that the correct empirical formula can only be $\text{Ca}_x\text{Mg}_y\text{SiO}_z$ based on the teaching that "the values of x and y are independently from about 0.1 to about 0.6 and z is a value to balance the oxidation state of the compound (page 4, lines 7-8 and page 8, lines 14-15). Since z is a value to balance the oxidation state of calcium magnesium silicate it has to be associated with the oxygen and not the calcium or magnesium component of the composition.

Applicant contends no new matter has been added to the application because it is disclosed in the original specification and claims that "z" is a value to balance the oxidation state of calcium magnesium silicate (page 4, lines 7-8 and page 8, lines 14-15).

35 U.S.C. § 112, second paragraph

Examiner states "Claim 1 appears to be a vague listing of various elements in forming a glass batch and refers to "other glass components" which is deemed indefinite."

Applicant contends that one of ordinary skill in the art knows what components go into a glass-making batch. Additionally, Examiner referenced in the previous office action, dated 7/2/02, Tooley, Handbook of Glass Manufacture Volume II, pp. 189, in which glass making components are listed, specifically, TABLE XIX A-III, under fiber glass, which contains SiO_2 , Al_2O_3 , Fe_2O_3 , CaO , MgO , Na_2O , F_2 , and B_2O_3 .

Therefore, one of ordinary skill in the art of glass making would know what the "other glass components" would be and is not indefinite.

Examiner also noted "Claims 5 and 6 refer to "said second glass batch" and "said comparative composition" lack antecedent basis.

Applicant has amended Claim 5 and Claim 6 to more clearly define that the glass batch of Claim 1 is being compared to a second glass batch of comparative composition. No new matter was added in the amendment as a "second" or "comparative" glass batch is disclosed in the specification on page 4, lines 3-7, page 4, line 21 to page 5, line 2 and page 5, lines 12-18).

CONCLUSION

Applicant has not changed the scope of Claims 5 and 6 and believes that an additional search and further prosecution is unnecessary. As all rejections are overcome, all claims are believed to be in condition for allowance. An early notice to that effect would be appreciated.

No fees are believed due for the filing of this Amendment. However, please charge any fees that might be applicable to Minerals Technologies Inc. Deposit Account No. 13-3639.

Respectfully submitted,

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Date

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Version With Markings Showing Changes Made

In the Specification:

An object of the present invention is the reduction of the requirement of boron oxide in glass compositions. Another object is the replacement of boron oxide in glass batches by magnesium oxides and other components. Yet, another object is the reduction of operating time for batch-free compositions and/or the reduction of refining temperatures in producing boron oxide or equivalent compositions. These and other[s] objects are achieved by a method of producing a glass batch comprising admixing boron oxide, magnesium oxide, calcium magnesium silicate, and other glass components to produce a glass batch and then melting, refining and forming a glass product. In one embodiment, the magnesium oxide component is eliminated.

In the Claims:

5. (First Amendment) The method of claim 1 wherein the refining batch-free time of said formed glass batch is at least twenty-five percent less than that of [said] a second glass batch of [said] a comparative composition.

6. (First Amendment) The method of claim 1 wherein the temperature for refining of formed glass batch is at least 50 degrees Centigrade less than that required for a second glass batch of a [said] comparative composition to produce[d] an equivalent batch-free time.